

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:10-00187

ROBERT BUTTERWORTH

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On July 2, 2015, the United States of America appeared by John J. Frail, Assistant United States Attorney, and the defendant, Robert Butterworth, appeared in person and by his counsel, Mark W. Browning, for a hearing on the petition on supervised release and amendment thereto submitted by Senior United States Probation Officer Joseph Black. The defendant commenced a twenty-nine month term of supervised release in this action on April 16, 2015, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on October 7, 2013.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant failed to abide by the special condition that he spend a period of six months in a community confinement center inasmuch as he was instructed by the probation officer that, upon his release from the Salem Correctional Center on April 16, 2015, to report directly to SECOR in Lebanon, Virginia, which he failed to do on that date or any date thereafter, and did not otherwise report to the probation officer at any time, rendering his whereabouts unknown; and (2) the defendant used and possessed opiates and marijuana as evidenced by a positive urine specimen submitted by him on June 15, 2015, and his admission to the probation officer that he had used opiates and marijuana in June 2015; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate

the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

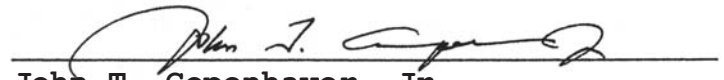
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of twenty-three (23) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he spend six months in a community confinement center immediately as space is available once released. The defendant shall follow the rules and regulations of the facility and shall participate in drug abuse counseling

and treatment as directed by the probation officer while at the facility, as well as once he is released from the facility.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: July 6, 2015


John T. Copenhaver, Jr.
United States District Judge